

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TRACY R. TURNER,)	
)	
Plaintiff,)	
)	
vs.)	No. 3:21-cv-00042
)	Judge Richardson
METROPOLITAN GOVERNMENT OF)	Mag. Judge Newbern
NASHVILLE AND DAVIDSON COUNTY,)	
)	
Defendants.)	

DEPOSITION OF

JAMIE SUMMERS

Taken on Behalf of the Plaintiff

December 8, 2021

Commencing at 11:13 a.m.

Reported by:
Harpeth Court Reporters
Franklin, Tennessee
Ann E. Ramage, RPR, LCR No. 372

1 APPEARANCES:

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17 Also Present: Tracy Turner
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I N D E X

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1 The deposition of JAMIE SUMMERS was
2 taken on behalf of the Plaintiff on December 8,
3 2021, in the offices of the Metropolitan Fire
4 Department HQ, 63 Hermitage Avenue, Nashville,
5 Tennessee, for all purposes under the Federal Rules
6 of Civil Procedure.

7 The formalities as to notice, caption,
8 certificate, et cetera, are waived. All objections,
9 except as to the form of the questions, are reserved
10 to the hearing.

11 It is agreed that Ann E. Ramage, being
12 a Notary Public and Court Reporter for the State of
13 Tennessee, may swear the witness, and that the
14 reading and signing of the completed deposition by
15 the witness are waived.

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1 Q So you had not seen anything as of that
2 time?

3 A Correct.

4 Q All right. And had they?

5 A I have no idea.

6 Q Were they aware of the fact that Tracy
7 Turner had posted something to his personal Facebook
8 post that someone found objectionable?

9 MR. AYERS: Object to the form.

10 THE WITNESS: I can't answer that
11 because I don't know.

12 BY MR. CRAIN:

13 Q Okay. So tell me your best recollection of
14 that meeting or discussion.

15 A So when I met with them and, like I said, I
16 don't remember if it was Joseph or Chief Swann or
17 Chief Henderson, or however it was brought to our
18 attention that Mr. Turner had made these Facebook
19 posts. We were getting calls from councilmembers,
20 from the public, and it had just really kind of grew
21 legs on its own. And we were doing, I think -- they
22 were doing -- everybody was doing everything they
23 could do to get to try to get ahead of that because
24 the calls were coming in. I don't have Facebook, so
25 I can't see anything that he had posted. So I think

1 then maybe I instructed Joseph or Joseph had already
2 had all of the paperwork and stuff and said, let's
3 get together and see what we got and kind of what
4 we're dealing with. And that is how my involvement
5 got started.

6 Q Had anyone been tracking those calls or
7 keeping a record of calls that had been coming in?

8 A Angie Goins.

9 Q So do you think Ms. Goins would today have a
10 copy of notes reflecting those calls?

11 A I don't know.

12 Q Have you ever seen a listing or memo that
13 summarizes what calls had come in that day?

14 A No.

15 Q Okay. You said calls were coming in from
16 the public and from the Metro council; am I correct?

17 A Correct.

18 Q All right. But no one had yet furnished to
19 you a copy of any such Facebook posts?

20 A They had not sent them to me, no.

21 Q All right. And you use posts, plural. Are
22 you satisfied that at that point in time when you
23 first met with either Mr. Pleasant or Mr. Swann, it
24 was a number of posts or a single post?

25 A I don't know. I don't.

1 Q Okay. In other words, do you have an
2 opinion one way or the other, had there not been any
3 news media in this case, whether or not the
4 sanctions that were imposed would have been imposed?

5 A I don't really make those decisions, but I
6 think it can be a factor.

7 Q How big a factor was it in this case, just
8 from your own observations?

9 A From my own observations, I don't -- I think
10 it was a huge factor because of the amount of calls
11 that we got.

12 Q Calls after it had made the news, in other
13 words?

14 A I don't know how they came in.

15 Q Okay. In other words -- you know someone
16 named Vincent Dixie?

17 A I heard his name during the panel for the
18 first time.

19 Q Did you ever look at a news broadcast in
20 which they interviewed Mr. Dixie?

21 A After the panel hearing. I think after it
22 was brought to our attention by Mr. Turner.

23 Q Were you, by the way, involved in the
24 drafting of the press release that your department
25 had issued?

1 don't follow scripture anywhere near how I should."
2 And I believe you said earlier that you didn't see any
3 problem with this post; is that correct?

4 A Yes.

5 Q Would you agree that religion is a matter of
6 public concern?

7 A It is.

8 Q And would you agree that the role of the
9 news media is a matter of public concern?

10 A Yes.

11 Q So looking at this post, you would agree
12 that this post touches on matters of public concern?

13 A Yes.

14 Q But just because it does that doesn't mean
15 it violates policy, does it?

16 A Correct.

17 Q Okay.

18 A And let's go to two pages before this. This
19 is MG 25, this is a post that says, "I'm really
20 tired of the bullshit. If all white people can be
21 guilty for slavery because of a few plantation
22 owners, then black people get to share the same
23 guilt. There were black plantation owners as well.
24 So if all whites are guilty, so are blacks."

25 And then there's a Wikipedia entry, snippet

1 below that. Is there a problem with this post?

2 MR. CRAIN: Objection. You can answer.

3 THE WITNESS: I think it's -- it hits
4 on the same thing as everything else. It's
5 sensitive in the environment because of the
6 environment in what we live today for racial
7 inequities from a historical standpoint.

8 BY MR. AYERS:

9 Q Do you think this post violates Nashville
10 Fire Department social media policy?

11 A I don't know. I would have to go back and
12 look at the policy in itself. But with the
13 discredit, you know, something that brings discredit
14 on the department, I think the problem with this
15 post is that if a black person sees that, then they
16 may think that Mr. Turner has an issue with African
17 Americans and, therefore, could impede on his
18 ability to do his job. And that's where it becomes
19 problematic for the fire department.

20 Q Okay. But not just because it's a matter of
21 public concern?

22 A You're saying is that the only reason? I'm
23 sorry?

24 Q Yeah. Let me rephrase that better.

25 The reason the post is problematic, you're

1 saying, is not because it's a matter of public
2 concern but because of the public perception?

3 A Correct.

4 Q Okay. So is it fair to say that the fire
5 department's social media policy is not -- it
6 doesn't prevent employees from speaking on matters
7 of public concern; is that right?

8 A Correct.

9 MR. CRAIN: Objection.

10 BY MR. AYERS:

11 Q All right. I'm going to give you another
12 document and we will enter this as the next-numbered
13 exhibit.

14 (Marked Exhibit No. 8.)

15 BY MR. CRAIN:

16 Q And so these are some documents that we
17 produced, beginning at Bates number MG 000699 going
18 through 706. And you can take your time and look
19 through these.

20 So we have the first page being part of the
21 email exchange between Joseph Pleasant and then --
22 well, it looks like several employees at WKRN news
23 station. And I will just read this introduction.

24 "Hi, Mr. Pleasant, I appreciate your
25 attention to this. I've also attached an additional